

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

COURTNEY JAYNE, individually and as : 4:18-cv-04088-KES  
Personal Representative of the Estate of  
Maggie Zaiger,

Plaintiff, : **DEFENDANT'S MOTION FOR**  
vs. **SUMMARY JUDGMENT**

CITY OF SIOUX FALLS,  
Defendant

Under Fed. R. Civ. P. 56, Defendant the City of Sioux Falls moves that the Court grant summary judgment dismissing Plaintiffs' complaint. The facts do not establish willful and wanton misconduct as a matter of law as required by SDCL §§ 20-9-20 and 20-9-21. This motion is supported by a statement of undisputed material facts, a brief, and an affidavit of counsel with attached exhibits.

Dated this 1<sup>st</sup> day of October, 2019.

## WOODS, FULLER, SHULTZ & SMITH P.C.

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Defendant's Motion for Summary Judgment

**CERTIFICATE OF SERVICE**

I certify that on the 1st day of October, 2019, a true and correct copy of the foregoing Defendant's Motion for Summary Judgment was served via electronic mail, upon the following:

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/s/ James E. Moore